



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3501 FAX (603) 271-6683



**LETTER OF DEFICIENCY
WET 2002-22**

June 25, 2002

Kathleen M. Sousa
Sousa Realty and Development Corporation
46 Lowell Rd.
Hudson, NH 03051

RE: DES Wetlands File #2001-01635, 140 Greeley St, Hudson

Dear Ms. Sousa

On August 15, 2001, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Hudson Tax Map 29 as Lot 37 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented

1. Temporary erosion control measures were not maintained in accordance with plans submitted by Hayner/Swanson, Inc. dated August 14, 2000, as received by DES on September 14, 2000 (the "Plans"). Provision # 13 of the Plans requires proper erosion and sediment controls to be maintained in good working order until the completion of construction. Silt fencing was not properly trenched in or maintained. As a result, sediment had eroded into the stream and the wetland area. Sediment was also running off of the temporary detention basin into the brook. Cut slopes were not mulched or seeded.

2. The boundaries of the wetland conservation district were not marked in accordance with the Plans, which require the area to be marked with steel stakes supporting markers approved by the conservation commission, placed at intervals of not more than 50 feet.

In response, you are requested to take the following actions

- 1) Install hay bales, trench in siltation fences, or under frozen conditions, place a minimum of 8" of soil to secure the siltation fence. Repair or install remaining erosion controls as required by the Plans (sheets 1, 18).
- 2) Erect steel stakes supporting markers approved by the conservation commission, placed at intervals of not more than 50 feet along the boundaries of the wetland conservation district

within Lots 26-23, 26-25, 26-33 thru 26-35 as required by the Plans (sheet 1)

DES believes that the deficiencies can be corrected within 30 days. Assistance with the requested actions is available from DES staff or the local Conservation Commission.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows

Mary Ann Tilton, Senior Enforcement Officer
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

COPY

Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0695 2959

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Hudson Conservation Commission
Hudson Board of Selectmen
David Killoy, USACOE